IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2007

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THE HONOURABLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.611 OF 2006
AND
W.P.M.P.NO.2211 OF 2007

T.Senthil Murugan .. Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government,
Home Department,
Fort St. George,
Chennai-9.
2.The Director General of Police
and Chairman,
Tamil Nadu Uniformed Service
Recruitment Board,
No.807, Anna Salai,
Chennai-2.
3.The Director General of Police,
Chennai-4. .. Respondents

This writ petition has been preferred under Article 226 of the Constitution of India praying for the issue of a writ of certiorarified mandamus to call for the records of the second respondent in letter No.C.No.D1/2704/2001, dated 8.12.2005 and to quash the same and consequently direct the second and third respondents to consider the petitioner's name for selection and appointment to the category of Sub Inspector of Police meant for direct recruitment under BC quota for the year 1997 with due seniority.

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For Petitioner : Mr.P.I.Thirumoorthy
For Respondents: Mr.V.Arun, AGP

ORDER

Invoking the writ jurisdiction of this court, the petitioner has brought forth this petition seeking for the issue of a writ of certiorarified mandamus to quash the order of the second respondent in letter No.C.No.D1/2704/2001, dated 8.12.2005 and consequently, direct the second and third respondents to consider the petitioner's name for selection and appointment to the category of Sub Inspector of Police meant for direct recruitment under BC quota for the year 1997 with due seniority.

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2.The affidavit filed in support of the petition and the counter affidavit are perused. The materials available are also looked into. The court heard the learned counsel on either side.

3.Concededly, the petitioner applied for the Sub Inspector selection for the year 1997-98 under open competition B.C. quota. There were three stages in that selection, namely physical test, written test and oral interview. Out of the same, he passed the first test. Though he appeared for the second test, namely written test, the results were not made known. Despite the representations made, he was not selected. The petitioner approached the Tamil Nadu Administrative Tribunal in O.A.No.2424 of 2002 and it was transferred to this court. There was a direction given by this court on 25.2.2005, directing the second respondent to call the petitioner for oral interview, which was to be held on 14.10.2005. Accordingly, the petitioner appeared. He has also made a representation along with the certificates, dated 21.11.2005. A communication was received by him that he was not selected and thus, the representation was rejected and under these circumstances, the petitioner has brought forth this writ petition before this court.

4.The only contention put forth by the learned counsel for the petitioner is that he applied for Sub Inspector selection for the year 1997-98; that he has also appeared for the tests; that originally, he passed the physical test; that the result of the written test remains unknown for a long time; that he filed a writ petition, where there was a direction given by this court that he should be called for interview to be held on 14.10.2005 and he appeared so; that along with a communication, dated 21.11.2005, he made all certificates available; that so far as interview was concerned, 15 marks are to be allotted; that out of the same, 10 marks are for viva voce and the rest of the marks are for extracurricular activities; that he was informed that he has not secured any marks so far as extracurricular activities are concerned, since the certificates in this regard were not produced; that it is not correct on the part of the department to say so; that the certificates produced by the petitioner were not considered by the department and under these circumstances, had it been considered, he would have obtained necessary marks to be selected; that the representation made was also not properly considered; that the reply would clearly indicate that even the certificates produced by the petitioner in respect of extracurricular activities were not considered and under these circumstances, the order of the second respondent has got to be set aside and necessary directions have got to be given.

5.The learned counsel for the respondents, in short, would submit that even as per the order of this court, an interview was conducted on 14.10.2005; that when the petitioner appeared for the interview, no certificate was placed before the authority, but he appeared for viva voce; that out of 10 marks, he secured 6.5 marks; that in respect of extracurricular activities, no marks were given, in view of the non production of any certificate; that the non production of the certificates would be clear from the subsequent communication addressed by the petitioner on 21.11.2005, where he has referred to the fact that all certificates were annexed therein and thus, it would be quite clear that at the time of interview, he did not produce any certificates at all; that having failed to bring necessary certificates at the time of interview held on 14.10.2005, the petitioner cannot now come forward to complain the

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department that he has not been selected and hence, the writ petition does not carry any merit whatsoever and it has got to be dismissed.

6.After careful consideration of the submissions made, the court is of the considered opinion that this writ petition does not carry any merit whatsoever. It is not in controversy that he passed the first test and subsequently, insofar as the second test, the results were not made known. Aggrieved over the same, the petitioner approached the Tamil Nadu Administrative Tribunal and the petition was transferred to this court. It is true, there was a direction given by this court, directing the second respondent to call the petitioner for interview, which was scheduled to take place on 14.10.2005. From the materials available, it would be quite clear that in that interview, totally 15 marks were to be given, out of which, 10 marks were allotted to viva voce and the rest of the marks, i.e. 5 marks, were allotted to extracurricular activities. A communication addressed to the petitioner, which is under challenge, would clearly indicate that he secured 6.5 marks for viva voce, out of 10 marks, but no marks were given insofar as extracurricular activities for the reason that he did not produce any certificates at all. The non production of the certificates in respect of extracurricular activities of the petitioner would be quite clear from the communication addressed by the petitioner on 21.11.2005. Thus, there was no opportunity for the department to go through the certificates.

7.Now, the petitioner's contention that those certificates were not made available on 14.10.2005 and subsequently, they were sent on 21.11.2005 along with a communication and the department should have considered the same, cannot be countenanced at all for the reasons that there was a direction given by this court to the respondents to call the petitioner for interview to be held on 14.10.2005. Accordingly, the petitioner was also called and he has also appeared for the interview, but he has not produced the certificates at all. Having failed to produce the certificate at the time of interview, now, the petitioner cannot be permitted to say that those certificates were sent and hence, a duty was cast upon the department to consider the same. Thus, the production of certificate was out of time. Now, the grievance of the petitioner cannot be ventilated for the reason that he was called for interview, pursuant to the order of this court and he appeared for the interview on 14.10.2005, but he has not produced the certificates. Having failed to produce the same, now the petitioner cannot be permitted to ventilate his grievance after a lapse of time. Hence, the writ petition does not carry any merit. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected WPMP is also dismissed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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The State of Tamil Nadu
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2.The Director General of Police
and Chairman,
Tamil Nadu Uniformed Service
Recruitment Board,
No.807, Anna Salai,
Chennai-2.

3.The Director General of Police,
Chennai-4.

+1 cc to Mr.P.I.Thirumoorthy, Advocate Sr.No.60696.

+1 cc to The Government Pleader Sr.No.60750.

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